

AMENDED IN ASSEMBLY APRIL 5, 1999
AMENDED IN ASSEMBLY FEBRUARY 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 15

Introduced by Assembly Member Gallegos
(Coauthors: Assembly Members Calderon, Cunneen, Knox,
Kuehl, Lempert, Shelley, Romero, and Washington)
(Coauthor: Senator Speier)

December 7, 1998

An act to amend Section 38048 of, and to add Section 38047.5 to, the Education Code, and to repeal and add Section 27316 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 15, as amended, Gallegos. Schoolbuses: ~~seatbelts~~
passenger restraint systems: seats.

(1) Existing law requires the State Board of Education to adopt reasonable regulations relating to the use of schoolbuses by school districts and others.

This bill would require the board to adopt regulations to require a passenger in a schoolbus equipped with ~~seatbelt assemblies~~ *passenger restraint systems*, as specified, to use a ~~seatbelt—assembly~~ *passenger restraint system* so that the passenger is properly restrained.

(2) Existing law requires, at least once in each school year, all pupils in prekindergarten, kindergarten, and grades 1 to 8,

inclusive, who receive home-to-school transportation to receive safety instruction, as specified.

This bill would require that instruction at least twice, rather than once, a year. In addition, the bill would require safety instruction in the proper use of ~~seatbelts~~ *passenger restraint systems*, as specified.

(3) Existing federal law requires seatbelts for schoolbuses that have a gross vehicle weight of 10,000 pounds or less and establishes other seating and crash protection standards, as specified.

This bill would require that schoolbuses manufactured on or after January 1, ~~2000~~ 2002, ~~for which there is no federal seatbelt requirement,~~ have a ~~“seatbelt assembly,”~~ *“passenger restraint system,”* as specified, at all designated seating positions. Because a violation of this provision would be a crime, the bill would impose a state-mandated local program by creating a new crime. The bill would provide that no driver of a schoolbus equipped with ~~seatbelt assemblies~~ *passenger restraint systems* pursuant to the above requirement may be charged for a violation of the Vehicle Code or any regulation adopted thereunder requiring a passenger to use a ~~seatbelt assembly~~ *passenger restraint system*, if a passenger on the schoolbus fails to use or improperly uses ~~the seatbelt assembly that system.~~ ~~The bill would require the Department of the California Highway Patrol to adopt regulations specifying the standards for these seatbelt assemblies, and would permit the department to use applicable federal standards in those regulations.~~

~~The bill would require schoolbus passenger seat backs to be 28 inches high and the distance between schoolbus passenger seats to be 24 inches. Because a violation of this provision would be a crime, the bill would impose a state-mandated local program by creating a new crime.~~

(4) Existing law requires the department to complete a study by March 1, 1987, on the appropriateness of requiring that all type one schoolbuses or school pupil activity buses be equipped with a set of safety belts for each passenger.

This bill would repeal that obsolete provision of law.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38047.5 is added to the
2 Education Code, to read:

3 38047.5. The State Board of Education shall adopt
4 regulations to require a passenger in a schoolbus
5 equipped with ~~seatbelt-assemblies~~ *passenger restraint*
6 *systems* in accordance with Section 27316 of the Vehicle
7 Code to use a ~~seatbelt-assembly~~ *passenger restraint*
8 *system* so that the passenger is properly restrained by ~~the~~
9 ~~seatbelt-assembly~~ *that system*.

10 SEC. 2. Section 38048 of the Education Code is
11 amended to read:

12 38048. (a) All pupils in prekindergarten,
13 kindergarten, and grades 1 to 12, inclusive, in public or
14 private school who are transported in a schoolbus or
15 school pupil activity bus shall receive instruction in
16 schoolbus emergency procedures and passenger safety.
17 The county superintendent of schools, superintendent of
18 the school district, or owner/operator of a private school,
19 as applicable, shall ensure that the instruction is provided
20 as follows:

21 (1) Upon registration, the parents or guardians of all
22 pupils not previously transported in a schoolbus or school
23 pupil activity bus and who are in prekindergarten,
24 kindergarten, and grades 1 to 6, inclusive, shall be
25 provided with written information on schoolbus safety.
26 The information shall include, but not be limited to, all of
27 the following:

28 (A) A list of schoolbus stops near each pupil's home.

29 (B) General rules of conduct at schoolbus loading
30 zones.

31 (C) Red light crossing instructions.

1 (D) Schoolbus danger zone.

2 (E) Walking to and from schoolbus stops.

3 (2) At least twice in each school year, all pupils in
4 prekindergarten, kindergarten, and grades 1 to 8,
5 inclusive, who receive home-to-school transportation
6 shall receive safety instruction that includes, but is not
7 limited to, proper loading and unloading procedures,
8 including escorting by the driver, instruction on the use
9 of ~~seatbelts~~ *passenger restraint systems*, as described in
10 paragraph (3), proper passenger conduct, bus
11 evacuation, and location of emergency equipment.
12 Instruction also may include responsibilities of passengers
13 seated next to an emergency exit. As part of the
14 instruction, pupils shall evacuate the schoolbus through
15 emergency exit doors.

16 (3) Instruction on the use of ~~seatbelts~~ *passenger*
17 *restraint systems* shall include, but not be limited to, all
18 of the following:

19 (A) Proper fastening and release of the ~~seat-belt~~
20 *passenger restraint system*.

21 (B) Acceptable placement of ~~seatbelts~~ *passenger*
22 *restraint systems* on pupils.

23 (C) Times at which the ~~seatbelts~~ *passenger restraint*
24 *systems* should be fastened and released.

25 (D) Acceptable placement of the ~~seatbelts~~ *passenger*
26 *restraint systems* when not in use.

27 (4) Prior to departure on a school activity trip, all
28 pupils riding on a schoolbus or school pupil activity bus
29 shall receive safety instruction that includes, but is not
30 limited to, location of emergency exits, and location and
31 use of emergency equipment. Instruction also may
32 include responsibilities of passengers seated next to an
33 emergency exit.

34 (b) The following information shall be documented
35 each time the instruction required by paragraph (2) of
36 subdivision (a) is given:

37 (1) Name of school district, county office of education,
38 or private school.

39 (2) Name and location of school.

40 (3) Date of instruction.

- (4) Names of supervising adults.
- (5) Number of pupils participating.
- (6) Grade levels of pupils.
- (7) Subjects covered in instruction.
- (8) Amount of time taken for instruction.
- (9) Bus driver's name.
- (10) Bus number.
- (11) Additional remarks.

The information recorded pursuant to this subdivision shall remain on file at the district or county office, or at the school, for one year from the date of the instruction, and shall be subject to inspection by the Department of the California Highway Patrol.

SEC. 3. Section 27316 of the Vehicle Code is repealed.

SEC. 4. Section 27316 is added to the Vehicle Code, to read:

27316. (a) All schoolbuses manufactured on or after January 1, ~~2000~~ 2002, that are used in California, shall be equipped at all designated seating positions with a ~~seatbelt assembly as follows:~~ *passenger restraint system*.

~~(1) In schoolbuses for which federal regulations mandate a seatbelt assembly at all designated seating positions, those regulations shall govern, and this section is not applicable.~~

~~(2) In schoolbuses for which there is no federal regulation that mandates a seatbelt assembly at all designated seating positions, each designated seating position shall have a seatbelt assembly.~~

~~(b) For purposes of this section, a "seatbelt assembly" means a lapbelt designed for pelvic restraint or an adjustable lap/shoulder seatbelt system.~~

~~(c) The Department of the California Highway Patrol shall adopt regulations pursuant to Section 34500 that specify the standards for seatbelt assemblies required by this section. In adopting these standards, the Department of the California Highway Patrol may use applicable federal standards.~~

~~(d)~~

1 (b) For purposes of this section, a “passenger restraint
2 system” is a restraint system that meets all of the
3 following conditions:

4 (1) Is in compliance with Federal Motor Vehicle
5 Safety Standards 209 and 210, as those standards were in
6 effect on the date the schoolbus was manufactured.

7 (2) Is in compliance with all other federal standards
8 issued by the National Highway Traffic Safety
9 Administration that apply to integrated or combination
10 lap and shoulder restraint systems.

11 (3) Takes into consideration all applicable passenger
12 crash protection system recommendations or guidelines
13 issued by the National Highway Traffic Safety
14 Administration.

15 (c) No driver of a schoolbus equipped with ~~seatbelt~~
16 ~~assemblies~~ passenger restraint systems pursuant to this
17 section may be charged for a violation of this code or any
18 regulation adopted thereunder requiring a passenger to
19 use a ~~—seatbelt—assembly~~ passenger restraint system, if a
20 passenger on the schoolbus fails to use or improperly uses
21 the ~~seatbelt—assembly~~ passenger restraint system.

22 ~~(e) A schoolbus passenger seat back shall be 28 inches~~
23 ~~high, and the distance between schoolbus passenger seats~~
24 ~~shall be 24 inches.~~

25 SEC. 5. No reimbursement is required by this act
26 pursuant to Section 6 of Article XIII B of the California
27 Constitution because the only costs that may be incurred
28 by a local agency or school district will be incurred
29 because this act creates a new crime or infraction,
30 eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section
32 17556 of the Government Code, or changes the definition
33 of a crime within the meaning of Section 6 of Article
34 XIII B of the California Constitution.